



House of Representatives

File No. 828

General Assembly

January Session, 2005

(Reprint of File No. 280)

Substitute House Bill No. 6720
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 2, 2005

AN ACT CONCERNING THE DEPARTMENT OF TRANSPORTATION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The segment of Route 174 from
2 Route 71 Easterly to East Street in New Britain shall be designated the
3 "Destroyer USS Braine Memorial Highway".

4 Sec. 2. (*Effective from passage*) The segment of the I-95 southbound
5 bridge over the Thames River in Groton shall be designated the "U.S.
6 Submarine Veterans World War II Memorial Bridge".

7 Sec. 3. (*Effective from passage*) The segment of Route 71 from the
8 Routes 71A and 71 intersection northerly to Main Street in Berlin shall
9 be designated the "Officer Jeffery G. Casner Memorial Highway".

10 Sec. 4. (*Effective from passage*) Bridge number 1491 in Canton, in the
11 Collinsville section, shall be designated the "Sergeant Michael Dubiel
12 Memorial Bridge".

13 Sec. 5. (*Effective from passage*) The road to the Firemen Memorial at

14 Bradley International Airport shall be designated "Firefighter
15 Memorial Drive".

16 Sec. 6. (*Effective from passage*) The segment of Route 10 from the
17 intersection of Route 10 and the Farmington Canal Greenway overpass
18 eastward to its junction with Whitney Avenue in Hamden shall be
19 designated the "Hamden Veterans' Memorial Highway".

20 Sec. 7. (*Effective from passage*) The segment of Route 110 from the
21 town of Stratford to the town of Monroe shall be designated the
22 "Veterans Memorial Highway".

23 Sec. 8. (*Effective from passage*) Bridge number 00157 located on I-95 in
24 West Haven shall be designated the "Nacca Memorial Bridge".

25 Sec. 9. (*Effective from passage*) The segment of Route 174 from New
26 Britain - Newington town line to Maple Hill Avenue in Newington
27 shall be designated the "Officer Peter Lavery Memorial Highway".

28 Sec. 10. (*Effective from passage*) Bridge number 03391 in Colchester on
29 Route 16 over Route 2 shall be designated the "William "Jimmy"
30 Johnston Memorial Bridge".

31 Sec. 11. (*Effective from passage*) The segment of Route 618 from Route
32 85 easterly to the Colchester - Lebanon town line shall be designated
33 the "Major Peter M. Cleary Memorial Highway".

34 Sec. 12. (*Effective from passage*) Route 5 in North Haven between
35 Washington Avenue and State Street shall be designated the "Officer
36 Timothy W. Laffin Memorial Highway".

37 Sec. 13. (*Effective from passage*) The segment of Route 195 in
38 Mansfield running in a northerly direction to I-84 in Tolland shall be
39 designated "UConn Husky Way".

40 Sec. 14. (*Effective from passage*) The segment of Route 78 in
41 Stonington from Route 2, running in an easterly direction, to the
42 Connecticut-Rhode Island state line shall be designated "Veterans

43 Way".

44 Sec. 15. Section 2 of public act 03-115 is repealed and the following is
45 substituted in lieu thereof (*Effective from passage*):

46 Route 796 in Milford, currently known as the "Milford Parkway
47 Connector" shall be redesignated the ["Daniel S. Wasson Connector"]
48 "Officer Daniel S. Wasson, Milford Police Department, Connector".

49 Sec. 16. (*Effective from passage*) The segment of Route 2A in Montville
50 running in a easterly direction from I-395 to the beginning of bridge
51 number 3426 shall be designated the "Officer Joseph N. Sachatello, III
52 Memorial Highway".

53 Sec. 17. (*Effective from passage*) The segment of Route 287 in
54 Wethersfield running easterly from the Newington - Wethersfield
55 town line to Route 3 shall be designated the "Bohdan "Bo" Kolinsky
56 Memorial Highway".

57 Sec. 18. (*Effective from passage*) The segment of Route 71 in West
58 Hartford running easterly from Ridgewood Road to Route 173 shall be
59 designated the "Eric N. Jefferson Memorial Highway".

60 Sec. 19. (*Effective from passage*) Bridge number 1744 on I-84
61 eastbound over Berkshire Road in West Hartford shall be designated
62 the "Lt. Colonel Charles E. Spencer Memorial Bridge".

63 Sec. 20. (*Effective from passage*) The segment of the I-91 northbound
64 rest area in Middletown shall be designated the "Jennifer Hodges
65 Memorial Rest Area".

66 Sec. 21. (*Effective from passage*) Bridge number 1477 on Route 173 in
67 Newington shall be designated the "Stanley Sobieski Memorial
68 Bridge".

69 Sec. 22. (*Effective from passage*) Bridge number 5801 on Route 9
70 southbound over Route 372 in Berlin shall be designated the "Steven
71 Douglas Smart Memorial Bridge".

72 Sec. 23. (*Effective from passage*) The Route 25 bridge crossing the Still
73 River in Brookfield shall be designated the "Nancy DuBois Hagmayer
74 Memorial Bridge".

75 Sec. 24. Section 14-212 of the general statutes is repealed and the
76 following is substituted in lieu thereof (*Effective July 1, 2005*):

77 Terms used in this chapter shall be construed as follows, unless
78 another construction is clearly apparent from the language or context
79 in which the term is used or unless the construction is inconsistent
80 with the manifest intention of the General Assembly:

81 (1) The following terms shall be construed as they are defined in
82 section 14-1: "Authorized emergency vehicle", "commissioner",
83 "driver", "fuels", "gross weight", "head lamp", "high-mileage vehicle",
84 "highway", "light weight", "limited access highway", "maintenance
85 vehicle", "motor bus", "motorcycle", "motor vehicle registration",
86 "nonresident", "nonskid device", "number plate", "officer", "operator",
87 "owner", "passenger motor vehicle", "passenger and commercial motor
88 vehicle", "person", "pneumatic tires", "pole trailer", "registration",
89 "registration number", "second offense", "semitrailer", "shoulder",
90 "solid tires", "stop", "subsequent offense", "tail lamp", "tractor", "tractor-
91 trailer unit", "trailer", "truck" and "vanpool vehicle";

92 (2) "Carrier" means (A) any local or regional school district, any
93 educational institution providing elementary or secondary education
94 or any person, firm or corporation under contract to such district or
95 institution engaged in the business of transporting school children; (B)
96 any person, firm or corporation providing transportation for
97 compensation exclusively to persons under the age of twenty-one
98 years; or (C) any corporation, institution or nonprofit organization
99 providing transportation as an ancillary service primarily to persons
100 under the age of eighteen years;

101 (3) "Curb" includes the boundary of the traveled portion of any
102 highway, whether or not the boundary is marked by a curbstone;

103 (4) "Intersection" means the area embraced within the prolongation
104 of the lateral curb lines of two or more highways which join one
105 another at an angle, whether or not one of the highways crosses the
106 other;

107 (5) "Motor vehicle" includes all vehicles used on the public
108 highways;

109 (6) "Parking area" means lots, areas or other accommodations for the
110 parking of motor vehicles off the street or highway and open to public
111 use with or without charge;

112 (7) ["Rotary traffic island"] "Rotary" or "roundabout" means a
113 physical barrier legally placed or constructed at an intersection to
114 cause traffic to move in a circuitous course;

115 (8) "Student transportation vehicle" means any motor vehicle other
116 than a registered school bus used by a carrier for the transportation of
117 students, including children requiring special education; and

118 (9) "Vehicle" is synonymous with "motor vehicle".

119 Sec. 25. Section 14-239 of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2005*):

121 (a) The State Traffic Commission may designate any state highway
122 and local traffic authorities may designate streets and highways under
123 their jurisdiction for one-way traffic and shall erect signs, devices or
124 markings conforming to State Traffic Commission standards giving
125 notice thereof. Upon any highway so designated a vehicle shall be
126 driven only in the direction indicated.

127 (b) A vehicle passing around a rotary [traffic island] or roundabout
128 shall have the right of way over entering vehicles and shall be driven
129 only to the right of such [island] rotary or roundabout, unless
130 otherwise directed by signs. [or unless the length of the vehicle makes
131 such movement impracticable.]

132 (c) Violation of any of the provisions of this section shall be an
133 infraction.

134 Sec. 26. Section 14-241 of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective July 1, 2005*):

136 (a) Both the approach for a right turn and a right turn shall be made
137 as close as practicable to the right-hand curb or edge of the highway.

138 (b) At any intersection where traffic is permitted to move in both
139 directions on each highway entering the intersection, an approach for a
140 left turn shall be made in that portion of the right half of the highway
141 nearest the center line thereof and by passing to the right of such
142 center line where it enters the intersection, and after entering the
143 intersection the left turn shall be made so as to leave the intersection to
144 the right of the center line of the highway being entered.

145 (c) At any intersection where traffic is restricted to one direction on
146 one or more of the highways, the driver of a vehicle intending to turn
147 left shall approach the intersection in the extreme left-hand lane
148 lawfully available to traffic moving in the direction of travel of such
149 vehicle, and after entering the intersection the left turn shall be made
150 so as to leave the intersection, as nearly as practicable, in the left-hand
151 lane lawfully available to traffic moving in such direction upon the
152 highway being entered.

153 (d) "Deceleration lane" means an added outside lane of a highway
154 laned for traffic which immediately precedes an exit road from such
155 highway, and "acceleration lane" means an added outside lane of a
156 highway laned for traffic which immediately follows an entrance road
157 into such highway. Where deceleration and acceleration lanes exist, all
158 turns made to leave or enter the highway shall be made from or into
159 such lanes.

160 (e) On any state highway the State Traffic Commission, and, on
161 highways under their jurisdiction, local traffic authorities, may cause
162 [rotary traffic islands] rotaries or roundabouts, signs or other devices

163 conforming to the manual on uniform traffic control devices to be
164 placed within or adjacent to intersections and thereby direct that a
165 different course from that specified in this section be traveled by
166 vehicles turning at an intersection, and when [rotary traffic islands]
167 rotaries or roundabouts, signs or other devices are so placed, no driver
168 shall turn a vehicle otherwise than as directed thereby.

169 (f) Violation of any of the provisions of this section shall be an
170 infraction.

171 Sec. 27. Section 14-297 of the general statutes is repealed and the
172 following is substituted in lieu thereof (*Effective July 1, 2005*):

173 Terms used in this chapter shall be construed as follows, unless
174 another construction is clearly apparent from the language or context
175 in which the term is used or unless the construction is inconsistent
176 with the manifest intention of the General Assembly:

177 (1) The following terms shall be construed as they are defined in
178 section 14-1: "Authorized emergency vehicle", "driver", "head lamp",
179 "highway", "intersection", "limited access highway", "motor vehicle",
180 "number plate", "operator", "person", ["rotary traffic island"] "rotary" or
181 "roundabout", "shoulder", "stop", "truck", "vehicle";

182 (2) "Crosswalk" means that portion of a highway ordinarily
183 included within the prolongation or connection of the lateral lines of
184 sidewalks at intersections, or any portion of a highway distinctly
185 indicated, by lines or other markings on the surface, as a crossing for
186 pedestrians, except such prolonged or connecting lines from an alley
187 across a street;

188 (3) "Official traffic control devices" means all signs, signals,
189 markings and devices consistent with the provisions of this chapter
190 and placed or erected, for the purpose of regulating, warning or
191 guiding traffic, by authority of a public body or official having
192 jurisdiction;

193 (4) "Parking" means the standing of a vehicle, whether occupied or
194 not, on a highway, except it shall not include the temporary standing
195 of a vehicle for the purpose of and while engaged in receiving or
196 discharging passengers or loading or unloading merchandise or while
197 in obedience to traffic regulations or traffic signs or signals;

198 (5) "Traffic" means pedestrians, vehicles and other conveyances
199 while using any highway for the purpose of travel;

200 (6) "Traffic authority" means the board of police commissioners of
201 any city, town or borough, or the city or town manager, the chief of
202 police, the superintendent of police or any legally elected or appointed
203 official or board, or any official having similar powers and duties, of
204 any city, town or borough that has no board of police commissioners
205 but has a regularly appointed force, or the board of selectmen of any
206 town in which there is no city or borough with a regularly appointed
207 police force, except that, with respect to state highways and bridges,
208 "traffic authority" means the State Traffic Commission, provided
209 nothing contained in this section shall be construed to limit or detract
210 from the jurisdiction or authority of the State Traffic Commission to
211 adopt regulations establishing a uniform system of traffic control
212 signals, devices, signs and markings as provided in section 14-298, and
213 the requirement that no installation of any traffic control signal light
214 shall be made by any city, town or borough until the installation has
215 been approved by the State Traffic Commission as provided in section
216 14-299;

217 (7) "Traffic control sign" means any sign bearing a message with
218 respect to the stopping or to the rate of speed of vehicles; and

219 (8) "Traffic control signal" means any device, whether operated
220 manually, electrically or mechanically, by which traffic is alternately
221 directed to stop and to proceed.

222 Sec. 28. Section 13a-126 of the general statutes is repealed and the
223 following is substituted in lieu thereof (*Effective from passage*):

224 As used in this section, "public service facility" includes all
225 privately, publicly or cooperatively owned lines, facilities and systems
226 for producing, transmitting or distributing communications, cable
227 television, power, electricity, light, heat, gas, oil, crude products,
228 water, steam, waste, storm water not connected with highway
229 drainage and any other similar commodities, including fire and police
230 signal systems and street lighting systems which directly or indirectly
231 serve the public. Whenever the commissioner determines that any
232 public service facility located within, on, along, over or under any land
233 comprising the right-of-way of a state highway or any other public
234 highway when necessitated by the construction or reconstruction of a
235 state highway shall be readjusted or relocated in or removed from such
236 right-of-way, the commissioner shall issue an appropriate order to the
237 company, corporation or municipality owning or operating such
238 facility, and such company, corporation or municipality shall readjust,
239 relocate or remove the same promptly in accordance with such order;
240 provided an equitable share of the cost of such readjustment,
241 relocation or removal, including the cost of installing and constructing
242 a facility of equal capacity in a new location, shall be borne by the
243 state, except that the state shall not bear any share of the cost of a
244 project to readjust, relocate or remove any facility, as defined in
245 subsection (a) of section 16-50i used for transmitting electricity or as an
246 electric trunkline. The Department of Transportation shall evaluate the
247 total costs of such a project, including department costs for
248 construction or reconstruction and electric distribution company costs
249 for readjusting, relocating or removing such facility, so as to minimize
250 the overall costs incurred by the state and the electric distribution
251 company. The electric distribution company may provide the
252 department with proposed alternatives to the relocation, readjustment
253 or removal proposed by the department and shall be responsible for
254 any changes to project costs attributable to adoption of the company's
255 proposed alternative designs for such project, including changes to the
256 area of the relocation, readjustment or removal and any incremental
257 costs incurred by the department to evaluate such alternatives. If such
258 electric distribution company and the department cannot agree on a

259 plan for such project, the Commissioner of Transportation and the
260 chairperson of the Department of Public Utility Control shall, on
261 request of the company, jointly determine the alternative for the
262 project. Such equitable share, in the case of or in connection with the
263 construction or reconstruction of any limited access highway, shall be
264 the entire cost, less the deductions provided in this section, and, in the
265 case of or in connection with the construction or reconstruction of any
266 other state highway, shall be such portion or all of the entire cost, less
267 the deductions provided in this section, as may be fair and just under
268 all the circumstances, but shall not be less than fifty per cent of such
269 cost after the deductions provided in this section. In establishing the
270 equitable share of the cost to be borne by the state, there shall be
271 deducted from the cost of the readjusted, relocated or removed
272 facilities a sum based on a consideration of the value of materials
273 salvaged from existing installations, the cost of the original installation,
274 the life expectancy of the original facility and the unexpired term of
275 such life use. When any facility is removed from the right-of-way of a
276 public highway to a private right-of-way, the state shall not pay for
277 such private right-of-way, provided, when a municipally-owned
278 facility is thus removed from a municipally-owned highway, the state
279 shall pay for the private right-of-way needed by the municipality for
280 such relocation. If the commissioner and the company, corporation or
281 municipality owning or operating such facility cannot agree upon the
282 share of the cost to be borne by the state, either may apply to the
283 superior court for the judicial district within which such highway is
284 situated, or, if said court is not in session, to any judge thereof, for a
285 determination of the cost to be borne by the state, and said court or
286 such judge, after causing notice of the pendency of such application to
287 be given to the other party, shall appoint a state referee to make such
288 determination. Such referee, having given at least ten days' notice to
289 the parties interested of the time and place of the hearing, shall hear
290 both parties, shall view such highway, shall take such testimony as
291 such referee deems material and shall thereupon determine the
292 amount of the cost to be borne by the state and immediately report to
293 the court. If the report is accepted by the court, such determination

294 shall, subject to right of appeal as in civil actions, be conclusive upon
295 both parties.

296 Sec. 29. Section 13a-126c of the general statutes is repealed and the
297 following is substituted in lieu thereof (*Effective from passage*):

298 Notwithstanding any provision of the general statutes, the
299 Commissioner of Transportation may enter into an agreement with the
300 owner or operator of a public service facility, as such facility is defined
301 in section 13a-126, as amended by this act, desiring the longitudinal
302 use of the right-of-way of a state highway to accommodate trunkline
303 or transmission type utility facilities and to fix the terms, conditions
304 and rates and charges for use of such right-of-way; provided, no such
305 agreement shall exempt a public service facility from the provisions of
306 chapter 277a. In the case of public service companies, as defined in
307 subdivision (1) of subsection (a) of section 16-1, such charges or rates
308 shall not exceed the actual administrative, construction, operation and
309 maintenance costs of the department incurred as a result of the public
310 service company's use of a nonlimited access state highway. The
311 department may estimate such charges or rates and require
312 prepayment of such charges or rates provided any amount in excess of
313 the actual amount is refunded to the public service company.

314 Sec. 30. Section 16-19b of the general statutes is repealed and the
315 following is substituted in lieu thereof (*Effective from passage*):

316 (a) No adjustment clause of any kind whatsoever shall be
317 authorized by the Department of Public Utility Control if such a clause
318 operates automatically to permit charges, assessments or amendments
319 to existing rate schedules to be made which have not been first
320 approved by the department.

321 (b) If the department finds that the changed price of purchased gas
322 required for distribution by a gas company substantially threatens the
323 ability of the company to earn a reasonable rate of return, or will cause
324 the company to have an excessive rate of return, the department shall,
325 after investigation and public hearing, approve a suitable purchased

326 gas adjustment clause to be superimposed upon the existing rate
327 schedule of the company. The department shall design any such
328 purchased gas adjustment clause to allow the gas company to charge
329 or to reimburse the consumer only for the changes in the cost of
330 purchased gas which occur when the actual price of purchased gas
331 differs from the price reflected in the base rates of the company. The
332 department may establish an efficiency factor in the purchased gas
333 adjustment clause of each gas company, which may provide for less
334 than one hundred per cent recovery of the gross earnings tax imposed
335 by section 12-264 on the revenues from such purchased gas. A
336 purchased gas adjustment clause approved pursuant to this section
337 shall apply to all gas companies similarly affected by the costs which
338 form the basis for the adjustment clause.

339 (c) If the department, after notice and hearing, determines that the
340 adoption of an energy adjustment clause would protect the interests of
341 ratepayers of an electric company, ensure economy and efficiency in
342 energy production and purchase by the electric company and achieve
343 the objectives set forth in subsection (a) of section 16-19 and in section
344 16-19e better than would the continued operation of a fuel adjustment
345 clause and a generation utilization adjustment clause, the department
346 shall approve an energy adjustment clause to be superimposed upon
347 the existing rate schedule of the electric company. The department
348 shall design any such energy adjustment clause to reflect cost-efficient
349 energy resource procurement and to recover the costs of energy that
350 are proper for rate-making purposes and for which the department has
351 not authorized recovery through base rates. These costs, reflecting
352 prudent and efficient management and operations, may include, but
353 are not limited to, the costs of oil, gas, coal, nuclear fuel, wood or other
354 fuels, and energy transactions with other utilities, nonutility generators
355 or power pools, all or part of the cost of conservation and load
356 management, and the gross earnings tax imposed by section 12-264 on
357 the revenues from the energy sources subject to the energy adjustment
358 clause. The department shall design the energy adjustment clause to
359 provide for recovery of energy costs prudently incurred by an electric

360 company in accordance with section 16-19e. Notwithstanding the
361 provisions of section 16-19, the department shall [make any changes
362 to] change an energy adjustment clause in accordance with the
363 provisions of subsections [(d)] (e) and [(g)] (h) of this section. An
364 energy adjustment clause approved pursuant to this section shall
365 apply to all electric companies similarly affected by the costs which
366 form the basis for the adjustment clause.

367 (d) The Department of Public Utility Control shall adjust the retail
368 rate charged by each electric distribution company for electric
369 transmission services periodically to recover all transmission costs
370 prudently incurred by each electric distribution company. The
371 Department of Public Utility Control, after notice and hearing, shall
372 design the retail transmission rate to provide for recovery of all Federal
373 Energy Regulatory Commission approved transmission costs, rates,
374 tariffs and charges and of other transmission costs prudently incurred
375 by an electric distribution company in accordance with section 16-19e.
376 Notwithstanding the provisions of section 16-19, the department shall
377 adjust the retail transmission rate in accordance with the provisions of
378 subsections (e) and (h) of this section. A transmission rate adjustment
379 clause approved pursuant to this section shall apply to all electric
380 distribution companies similarly affected by transmission costs. The
381 department's authority to review the prudence of costs shall not apply
382 to any matter over which any agency, department or instrumentality of
383 the federal government has exclusive jurisdiction, or has jurisdiction
384 concurrent with that of the state and has exercised such jurisdiction to
385 the exclusion of regulation of such matter by the state.

386 [(d)] (e) No proposed purchased gas adjustment, [or] energy
387 adjustment charge or credit or transmission rate shall become effective
388 until the Department of Public Utility Control has approved such
389 charges or credits pursuant to an administrative proceeding. Such an
390 administrative proceeding shall be open to the public and shall be
391 convened within ten days of the filing of an application by an electric
392 or gas company requesting such a proceeding. Notice of such
393 application and proceeding shall be published at least five days prior

394 to such proceeding in a newspaper of general circulation in the area
395 served by such company. The department shall receive and consider
396 comments of interested persons and members of the public at such a
397 proceeding, which shall not be considered a contested case for
398 purposes of title 4, this title or any regulation adopted thereunder. Any
399 approval or denial of the department pursuant to this subsection shall
400 not be deemed an order, authorization or decision of the department
401 for purposes of section 16-35. After notice and hearing, the department
402 shall adopt regulations, in accordance with chapter 54, which shall
403 include the requirements of the filing to support the requested charge
404 or credit. Notwithstanding the provisions of this section, in the event
405 that the department has not rendered an approval or denial concerning
406 any such application within five days of the day the administrative
407 proceeding shall have been convened, the proposed charges or credits
408 (1) shall become effective at the option of the company pending the
409 department's finding with respect to such charges, or (2) in the
410 discretion of the department, may become effective upon the filing by
411 the company with the department of an assurance. Such assurance
412 may include a bond with surety, and shall satisfy the department of
413 the company's ability and willingness to refund to its customers any
414 such amounts as the company may collect from them in excess of the
415 charges approved by the department in its finding.

416 ~~[(e)]~~ (f) Each company subject to a purchased gas adjustment clause
417 or an energy adjustment clause shall disclose in its customer bills the
418 per unit rate of the charges or credits made under the clause and the
419 actual amount thereof in dollars and cents.

420 ~~[(f)]~~ (g) The department shall not suspend or discontinue a
421 purchased gas adjustment clause or an energy adjustment clause
422 which it has approved except (1) after general rate hearings for the
423 companies affected by the clause, and (2) upon a finding by the
424 Department of Public Utility Control that the market prices of
425 purchased gas or the costs of energy have stabilized and are likely to
426 remain stable.

427 [(g)] (h) The Department of Public Utility Control shall continually
428 monitor and oversee the application of the purchased gas adjustment
429 clause, [and] the energy adjustment clause, and the transmission rate
430 adjustment clause. The department shall hold a public hearing thereon
431 whenever the department deems it necessary, but no less frequently
432 than once every six months, and undertake such other proceeding
433 thereon to determine whether charges or credits made under such
434 clauses reflect the actual prices paid for purchased gas or energy [.]
435 and the actual transmission costs and are computed in accordance with
436 the applicable clause. If the department finds that such charges or
437 credits do not reflect the actual prices paid for purchased gas or
438 energy, and the actual transmission costs or are not computed in
439 accordance with the applicable clause, it shall recompute such charges
440 or credits and shall direct the company to take such action as may be
441 required to insure that such charges or credits properly reflect the
442 actual prices paid for purchased gas or energy and the actual
443 transmission costs and are computed in accordance with the applicable
444 clause for the applicable period.

445 [(h)] (i) The department shall establish procedures conforming to
446 the requirements of this section after notice and opportunity for a
447 public hearing.

448 [(i)] (j) Any purchased gas adjustment clause or energy adjustment
449 clause approved by the department may include a provision designed
450 to allow the electric or gas company to charge or reimburse the
451 customer for any under-recovery or over-recovery of overhead and
452 fixed costs due solely to the deviation of actual retail sales of electricity
453 or gas from projected retail sales of electricity or gas. The department
454 shall include such provision in any energy adjustment clause approved
455 for an electric company if it determines (1) that a significant cause of
456 excess earnings by the electric company is an increase in actual retail
457 sales of electricity over projected retail sales of electricity as
458 determined at the time of the electric company's most recent rate
459 amendment, and (2) that such provision is likely to benefit the
460 customers of the electric company.

461 [(j)] (k) Notwithstanding the provisions of this section, an approved
462 fossil fuel adjustment clause or generation utilization adjustment
463 clause in effect for an electric company on July 1, 1995, shall remain in
464 effect in its form and method of operation as of said date until the
465 department has approved an energy adjustment clause for the
466 company and the approved energy adjustment clause is in effect.

467 [(k)] (l) Notwithstanding the provisions of this section, upon the
468 application of any gas company, the department may modify, suspend
469 or discontinue a purchased gas adjustment clause for one or more gas
470 companies if the department determines that as part of an overall
471 performance-based rate plan, such modification, suspension or
472 discontinuance will ensure safety and reliability, will provide
473 substantial financial benefits to ratepayers at least equal to those
474 provided to the gas company and will lower the rates below what they
475 would be without such modification, suspension or discontinuance, as
476 determined by the department.

477 Sec. 31. Section 16-245d of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective from passage*):

479 (a) The Department of Public Utility Control shall, by regulations
480 adopted pursuant to chapter 54, develop a standard billing format that
481 enables customers to compare pricing policies and charges among
482 electric suppliers. Not later than January 1, 2005, the department shall
483 adopt regulations, in accordance with the provisions of chapter 54, to
484 provide that an electric supplier may provide direct billing and
485 collection services for electric generation services and related federally
486 mandated congestion costs that such supplier provides to its
487 customers that use a demand meter or have a maximum demand of
488 not less than five hundred kilowatts and that choose to receive a bill
489 directly from such supplier. An electric company, electric distribution
490 company or electric supplier that provides direct billing of the electric
491 generation service component and related federally mandated
492 congestion costs, as the case may be, shall, in accordance with the
493 billing format developed by the department, include the following

494 information in each customer's bill, as appropriate: (1) The total
495 amount owed by the customer, which shall be itemized to show, (A)
496 the electric generation services component and any additional charges
497 imposed by the electric supplier, if applicable, (B) the [electric
498 transmission and] distribution charge, including all applicable taxes
499 and the systems benefits charge, as provided in section 16-245l, (C) the
500 transmission rate as adjusted pursuant to subsection (d) of section 16-
501 19b, as amended by this act, (D) the competitive transition assessment,
502 as provided in section 16-245g, [(D)] (E) federally mandated congestion
503 costs, and [(E)] (F) the conservation and renewable energy charge,
504 consisting of the conservation and load management program charge,
505 as provided in section 16-245m, and the renewable energy investment
506 charge, as provided in section 16-245n; (2) any unpaid amounts from
507 previous bills which shall be listed separately from current charges; (3)
508 except for customers subject to a demand charge, the rate and usage
509 for the current month and each of the previous twelve months in the
510 form of a bar graph or other visual form; (4) the payment due date; (5)
511 the interest rate applicable to any unpaid amount; (6) the toll-free
512 telephone number of the electric distribution company to report power
513 losses; (7) the toll-free telephone number of the Department of Public
514 Utility Control for questions or complaints; (8) the toll-free telephone
515 number and address of the electric supplier; and (9) a statement about
516 the availability of information concerning electric suppliers pursuant
517 to section 16-245p.

518 (b) The regulations shall provide guidelines for determining the
519 billing relationship between the electric distribution company and
520 electric suppliers, including but not limited to, the allocation of partial
521 bill payments and late payments between the electric distribution
522 company and the electric supplier. An electric distribution company
523 that provides billing services for an electric supplier shall be entitled to
524 recover from the electric supplier all reasonable transaction costs to
525 provide such billing services as well as a reasonable rate of return, in
526 accordance with the principles in subsection (a) of section 16-19e.

527 Sec. 32. Section 14-270 of the general statutes is repealed and the

528 following is substituted in lieu thereof (*Effective October 1, 2005*):

529 (a) The Commissioner of Transportation or other authority having
530 charge of the repair or maintenance of any highway or bridge is
531 authorized to grant permits for transporting vehicles or combinations
532 of vehicles or vehicles and load, or other objects not conforming to the
533 provisions of sections 14-98, 14-262, 14-264, 14-267a and 14-269 but, in
534 the case of motor vehicles, only the Commissioner of Transportation
535 shall be authorized to issue such permits. Such permits shall be
536 written, and may limit the highways or bridges which may be used,
537 the time of such use and the maximum rate of speed at which such
538 vehicles or objects may be operated, and may contain any other
539 condition considered necessary by the authority granting the same,
540 provided the Department of Transportation shall not suffer any loss of
541 revenue granted or to be granted from any agency or department of
542 the federal government for the federal interstate highway system or
543 any other highway system.

544 (b) Any permit issued in respect to any vehicle or combination of
545 vehicles or vehicle and trailer on account of its excessive weight shall
546 be limited to the gross weight shown or to be shown on the
547 registration certificate. A permit granted under this section for a
548 vehicle or load, greater than twelve feet, but no greater than thirteen
549 feet six inches in width and traveling on undivided highways, shall
550 require a single escort motor vehicle to precede such vehicle or load.
551 No escort motor vehicle shall be required to follow such vehicle or
552 load on such highways.

553 (c) Any permit issued under this section or a legible copy or
554 facsimile shall be retained in the possession of the operator of the
555 vehicle or combination of vehicles or vehicle and trailer for which such
556 permit was issued, except that a telegraphic confirmation of the
557 existence of such permit or the use of the special number plates
558 described in section 14-24 and any regulations adopted thereunder
559 shall be sufficient to fulfill the requirements of this section.

560 (d) (1) The owner or lessee of any vehicle may pay either a fee of
561 twenty-three dollars for each permit issued for such vehicle under this
562 section or a fee as described in subdivision (3) of this subsection for
563 such vehicle, payable to the Department of Transportation. (2) An
564 additional transmittal fee of three dollars shall be charged for each
565 permit issued under this section and transmitted via transceiver or
566 facsimile equipment. (3) The commissioner may issue an annual
567 permit for any vehicle transporting (A) a divisible load, (B) an
568 overweight or oversized-overweight indivisible load, or (C) an
569 oversize indivisible load. The owner or lessee shall pay an annual fee
570 of seven dollars per thousand pounds or fraction thereof for each such
571 vehicle. A permit may be issued in any increment up to one year,
572 provided the owner or lessee shall pay a fee of one-tenth of the annual
573 fee for such vehicle for each month or fraction thereof. (4) The annual
574 permit fee for any vehicle transporting an oversize indivisible load
575 shall not be less than five hundred dollars. (5) The commissioner may
576 issue permits for divisible loads in the aggregate not exceeding fifty-
577 three feet in length.

578 (e) The Commissioner of Transportation shall adopt regulations in
579 accordance with chapter 54 prescribing standards for issuance of
580 permits for vehicles with divisible or indivisible loads not conforming
581 to the provisions of section 14-267a.

582 (f) The provisions of subsection (d) of this section shall not apply to
583 the federal government, the state, municipalities or fire departments.

584 (g) Any person who violates the provisions of any permit issued
585 under this section or fails to obtain such a permit, when operating a
586 commercial motor vehicle under the provisions of section 14-163c,
587 shall be subject to the following penalties:

588 (1) A person operating a vehicle with a permit issued under this
589 section that exceeds the weight specified in such permit shall be subject
590 to a penalty calculated by subtracting the permitted weight from the
591 actual vehicle weight and the rate of the fine shall be fifteen dollars per

592 one hundred pounds or fraction thereof of such excess weight;

593 (2) A person who fails to obtain a permit issued under section 14-
594 262 or 14-264 and who is operating a vehicle at a weight that exceeds
595 the statutory limit for weight shall be subject to a penalty calculated by
596 subtracting the statutory limit for weight from the actual vehicle
597 weight and the rate of the fine shall be fifteen dollars per one hundred
598 pounds or fraction thereof of such excess weight;

599 (3) A person operating a vehicle with a permit issued under this
600 section that exceeds the length specified in such permit shall be subject
601 to a minimum fine of three hundred dollars;

602 (4) A person operating a vehicle with a permit issued under this
603 section that exceeds the width specified in such permit shall be subject
604 to a minimum fine of three hundred dollars;

605 (5) A person operating a vehicle with a permit issued under this
606 section that exceeds the height specified in such permit shall be subject
607 to a minimum fine of one thousand dollars;

608 (6) A person operating a vehicle with a permit issued under this
609 section on routes not specified in such permit, shall be fined (A) one
610 thousand five hundred dollars for each violation of the statutory limit
611 for length, width, height or weight, and (B) shall be subject to a penalty
612 calculated by subtracting the statutory weight limit of subsection (b) of
613 section 14-267a from the actual vehicle weight and such weight
614 difference shall be fined at the rate provided for in subparagraph (G)
615 of subdivision (2) of subsection (f) of section 14-267a; or

616 (7) A person (A) operating a vehicle with an indivisible load and
617 violating one or more of the provisions of subdivisions (1) to (6),
618 inclusive, of this subsection shall be required to obtain a permit, or (B)
619 operating a vehicle with a divisible load and violating one or more of
620 the provisions of subdivisions (1) to (6), inclusive, of this subsection
621 shall be required to be off loaded to the permit limit.

622 (h) (1) If the origin, destination, load description, tractor
623 registration, trailer registration, hours of travel, number of escorts,
624 signs or flags of a vehicle with a permit issued under this section differ
625 from those stated on such permit or required by regulations adopted
626 pursuant to this section, a minimum fine of two hundred dollars shall
627 be assessed for each such violation.

628 (2) If the days of travel of a vehicle with a permit issued under this
629 section differ from those stated on such permit or the vehicle is
630 operated under a false or fraudulent permit, a minimum fine of one
631 thousand five hundred dollars shall be assessed for such violation in
632 addition to any other penalties assessed.

633 Sec. 33. Section 52-557q of the general statutes is repealed and the
634 following is substituted in lieu thereof (*Effective October 1, 2005*):

635 No claim for damages shall be made against a broadcaster, as
636 defined in subsection (l) of section 12-218, or an outdoor advertising
637 establishment, as described in the United States Department of Labor
638 Standard Industrial Classification System Code 7312, that, pursuant to
639 a voluntary program between broadcasters and law enforcement
640 agencies, or between law enforcement agencies and outdoor
641 advertising establishment, broadcasts or disseminates an emergency
642 alert and information provided by a law enforcement agency
643 concerning the abduction of a child including, but not limited to, a
644 description of the abducted child, a description of the suspected
645 abductor and the circumstances of the abduction. Nothing in this
646 section shall be construed to (1) limit or restrict in any way any legal
647 protection a broadcaster or outdoor advertising establishment may
648 have under any other law for broadcasting, outdoor advertising or
649 otherwise disseminating any information, or (2) relieve a law
650 enforcement agency from acting reasonably in providing information
651 to the broadcaster or outdoor advertising establishment.

652 Sec. 34. (NEW) (*Effective October 1, 2005*) No person shall cross
653 railroad tracks at a designated railroad grade crossing when warned

654 by an automatic signal, crossing gates, flagman or law enforcement
655 officer of the approach of a railroad locomotive, railroad car or train or
656 when otherwise warned of the approach of such a locomotive, car or
657 train. Violation of this section shall be an infraction.

658 Sec. 35. Section 21-63 of the general statutes is repealed and the
659 following is substituted in lieu thereof (*Effective July 1, 2005*):

660 Any person who erects, maintains, displays or allows to remain in
661 view an advertisement, sign or billboard or any structure designed for
662 the display of advertising matter contrary to any provision of this
663 chapter shall be [fined not more than one hundred dollars for each sign
664 so displayed] in violation of a provision of this chapter. The
665 Commissioner of Transportation shall impose a civil penalty in an
666 amount of one hundred dollars for each day on which the violation
667 occurs. Prior to imposing a penalty under this section, the
668 commissioner shall send such person a written notice of the violation
669 by certified mail, return receipt requested. If such person terminates or
670 corrects the violation by the fifteenth day following such person's
671 receipt of such notice, the commissioner shall not impose such penalty
672 on such person for such violation. Any such violation that continues
673 for more than sixty consecutive days shall be cause for revocation of
674 the permit granted pursuant to this chapter with which the violation is
675 associated.

676 Sec. 36. Subsection (k) of section 13a-123 of the general statutes is
677 repealed and the following is substituted in lieu thereof (*Effective July*
678 *1, 2005*):

679 (k) Any person violating any provision of this section [shall be fined
680 not more than one hundred dollars for each such violation] or of any
681 regulation, license, permit or order adopted or issued pursuant to this
682 section shall be subject to a civil penalty in the amount of one hundred
683 dollars for each day on which the violation occurs. Prior to imposing a
684 penalty under this section, the commissioner shall send such person a
685 written notice of the violation by certified mail, return receipt

686 requested. If such person terminates or corrects the violation by the
687 fifteenth day following such person's receipt of such notice, the
688 commissioner shall not impose such penalty on such person for such
689 violation. Any such violation that continues for more than sixty
690 consecutive days shall be cause for revocation of the permit granted
691 pursuant to this chapter with which the violation is associated.

692 Sec. 37. (*Effective from passage*) State road 529, New Britain Avenue in
693 the town of West Hartford, running in an easterly direction from Route
694 173 easterly to the West Hartford/Hartford town line, shall be
695 designated the "West Hartford Memorial Highway".

696 Sec. 38. (*Effective from passage*) Bridge number 01459, located on
697 Interstate Route 91 in the Town of Wethersfield, over passing Great
698 Meadow Road, shall be designated the "Frank Maratta Sr. Memorial
699 Bridge".

700 Sec. 39. (*Effective from passage*) Bridge number 0916, located on
701 United States Route 202 in the Town of Canton, over passing the
702 Farmington River, shall be designated the "Lieutenant David M.
703 Whirly Memorial Bridge".

704 Sec. 40. (*Effective from passage*) Bridge number 03582, located on
705 Route 83 in the Town of Manchester, over passing Interstate Route 384,
706 shall be designated the "William R. Johnson Memorial Bridge".

707 Sec. 41. (*Effective from passage*) Route 34 in the Town of Orange,
708 running in an easterly direction from the junction of Route 152 easterly
709 to the Orange/New Haven town line, shall be designated the "Staff
710 Sergeant Thomas E. Vitagliano Memorial Highway".

711 Sec. 42. (*Effective from passage*) The Department of Transportation
712 shall install directional signs on Route 2 in the Town of Colchester
713 indicating the presence of wineries as part of the Connecticut Wine
714 Trail.

715 Sec. 43. (*Effective from passage*) The Department of Transportation

716 shall install signage on Interstate Route 84 in the Town of Danbury for
717 the Danbury Railway Museum.

718 Sec. 44. (*Effective from passage*) The Department of Transportation
719 shall install signage on Interstate Route 84 in the City of Waterbury
720 and on Route 8 in the Town of Thomaston for the Railroad Museum of
721 New England.

722 Sec. 45. (*Effective from passage*) The bridge located on Route 133 in the
723 Town of Brookfield, over passing Route 7, shall be designated the
724 "Lance Corporal John T. Schmidt Memorial Bridge".

725 Sec. 46. (*Effective from passage*) Route 53 in the Town of Bethel shall
726 be designated the "John L. Tiele Memorial Highway".

727 Sec. 47. Section 16-343 of the general statutes is repealed and the
728 following is substituted in lieu thereof (*Effective upon the effective date of*
729 *legislation enacted by the state of New York having the like effect as this*
730 *section*):

731 The state of Connecticut hereby agrees with the state of New York,
732 upon enactment by New York of legislation having the same effect as
733 this section, to this compact for the purpose of providing for the
734 continuation and improvement of essential interstate railroad
735 passenger service:

736 ARTICLE I

737 For the purpose of continuing and improving the railroad passenger
738 service of the New York, New Haven and Hartford Railroad (and its
739 successors) between the city of New Haven in the state of Connecticut
740 and the city of New York in the state of New York, including branch
741 lines which are tributary to the main line of that railroad; [between the
742 said cities] Metropolitan Transportation Authority, a governmental
743 corporation of the state of New York, and Connecticut [Public]
744 Department of Transportation, [Authority (and its successors),] an
745 agency of the state of Connecticut, acting individually, but in
746 cooperation with each other, or as coventurers where they deem it

747 advisable and practical, are hereby authorized to do the following
748 where permissible under the enabling laws of their respective states:

749 (a) To acquire through eminent domain proceedings, or by gift,
750 purchase, lease or otherwise, the ownership interest in or the right to
751 the use of all those assets of the said railroad (or of any successor in
752 interest to such assets), be they real property, personal property or a
753 combination of the two (including rights arising out of contract,
754 franchise or otherwise), which are or may reasonably be expected to
755 become necessary, convenient or desirable for the continuation or
756 improvement of such service;

757 (b) To repair and rehabilitate such assets, or to acquire by gift,
758 purchase, lease or otherwise, such new or additional assets and rights
759 as they deem necessary, convenient or desirable for such continuation
760 or improvement;

761 (c) To dispose of any such assets, new and additional assets and
762 rights, or of the right to the use of the same, by conveyance, lease or
763 otherwise (including, without limitation, the grant of trackage rights)
764 when and to the extent that they are not needed for such service by the
765 said agencies; and to abandon or discontinue portions of such service
766 when advisable; and/or

767 (d) To operate such service, or to contract for the operation of the
768 whole or any part of such service by others.

769 To accomplish the foregoing objectives, the said agencies are
770 authorized, individually and jointly, to apply for aid, federal, state or
771 local, to supplement those funds appropriated or otherwise made
772 available to them under the laws of the party states.

773 **ARTICLE II**

774 The provisions of this compact shall be construed liberally to
775 effectuate the purposes thereof. Amendments and supplements to this
776 compact to implement the purposes thereof may be adopted by
777 concurrent legislation of the party states.

778

ARTICLE III

779

780

781

This compact shall be of no force and effect unless and until the Congress of the United States of America, on or before December thirty-first, nineteen hundred sixty-nine, has consented thereto.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section
Sec. 12	<i>from passage</i>	New section
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>from passage</i>	New section
Sec. 15	<i>from passage</i>	PA 03-11, Sec. 2
Sec. 16	<i>from passage</i>	New section
Sec. 17	<i>from passage</i>	New section
Sec. 18	<i>from passage</i>	New section
Sec. 19	<i>from passage</i>	New section
Sec. 20	<i>from passage</i>	New section
Sec. 21	<i>from passage</i>	New section
Sec. 22	<i>from passage</i>	New section
Sec. 23	<i>from passage</i>	New section
Sec. 24	July 1, 2005	14-212
Sec. 25	July 1, 2005	14-239
Sec. 26	July 1, 2005	14-241
Sec. 27	July 1, 2005	14-297
Sec. 28	<i>from passage</i>	13a-126
Sec. 29	<i>from passage</i>	13a-126c
Sec. 30	<i>from passage</i>	16-19b
Sec. 31	<i>from passage</i>	16-245d
Sec. 32	October 1, 2005	14-270

Sec. 33	<i>October 1, 2005</i>	52-557q
Sec. 34	<i>October 1, 2005</i>	New section
Sec. 35	<i>July 1, 2005</i>	21-63
Sec. 36	<i>July 1, 2005</i>	13a-123(k)
Sec. 37	<i>from passage</i>	New section
Sec. 38	<i>from passage</i>	New section
Sec. 39	<i>from passage</i>	New section
Sec. 40	<i>from passage</i>	New section
Sec. 41	<i>from passage</i>	New section
Sec. 42	<i>from passage</i>	New section
Sec. 43	<i>from passage</i>	New section
Sec. 44	<i>from passage</i>	New section
Sec. 45	<i>from passage</i>	New section
Sec. 46	<i>from passage</i>	New section
Sec. 47	<i>upon the effective date of legislation enacted by the state of New York having the like effect as this section</i>	16-343

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Public Utilities Control	GF - None	None	None
Judicial Department	GF - Revenue Gain	See Below	See Below
Department of Transportation	TF - Cost	\$23,100	None

Note: GF = General Fund; TF=Transportation Fund

Municipal Impact: Yes

Explanation

A section-by-section fiscal impact analysis is presented in conjunction with the bill summary.

OLR SUMMARY:

This bill:

1. (a) changes cost sharing requirements for necessary adjustments to electric transmission and trunkline facilities in Department of Transportation (DOT) highway rights-of-way, (b) modifies what DOT may charge state-regulated public service companies using the length of certain rights-of-way, (c) creates a new process by which the Department of Public Utility Control (DPUC) must administer certain federally approved cost recovery by electric distribution companies, and (d) requires the transmission rate adjustment to appear as a separate item on electric bills;
2. expands the enabling language for the Connecticut-New York railroad passenger service compact to allow it to cover

passenger service outside the New Haven-New York service area;

3. increases penalties for violations of requirements relating to DOT permits for outdoor advertising installations, broadens their application, and makes related changes;
4. grants immunity from liability to outdoor advertising establishments that participate in voluntary emergency alert programs with law enforcement agencies;
5. modifies a requirement for vehicles traveling under DOT overwidth vehicle permits on undivided highways;
6. replaces references to rotary traffic islands in the law with two new terms, rotaries and roundabouts, and establishes right-of-way requirements for motor vehicles using them; and
7. designates commemorative names for 17 state highway segments, 12 state bridges, and a rest area, and changes the designation for another highway segment;
8. requires installation of directional or informational signs on certain state highways with respect to three state attractions.

The bill also makes it an infraction to cross railroad tracks at a designated crossing after being warned by signals, gates, or other means that a train is approaching.

EFFECTIVE DATE: Upon passage except the provisions relating to (1) rotaries and roundabouts, and (2) increased penalties for violations of requirements relating to DOT permits for outdoor advertising structures and displays are effective on July 1, 2005; the provisions relating to (1) DOT overwidth vehicle permits, (2) crossing railroad tracks after being warned of an approaching train, and (3) immunity from liability for outdoor advertising establishments participating in emergency alert programs with law enforcement agencies are effective on October 1, 2005, and the provision expanding the authorization for

the Connecticut-New York rail passenger service interstate compact is effective when similar legislation adopted by New York becomes effective.

§§ 1-23 and 501-510 – Commemorative Road and Bridge Names

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - Cost	\$23,100	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Sections 1 through 23 and, 501 through 510 of the bill as amended results in a cumulative cost of \$16,100 in FY 05 to the DOT as a result of renaming various bridges and roadways. A pair of signs cost \$700, one for each side of the road.

OLR Analysis

The bill designates commemorative names for 14 state highway segments, eight state bridges, and a rest area as follows:

1. Route 174 from Route 71 east to East Street in New Britain as the "Destroyer USS Braine Memorial Highway,"
2. Route 71 from the Routes 71A and 71 intersection north to Main Street in Berlin as the "Officer Jeffery G. Casner Memorial Highway,"

3. the road to the Firemen Memorial at Bradley International Airport as "Firefighter Memorial Drive,"
4. Route 10 from the intersection of Route 10 and the Farmington Canal Greenway overpass east to the junction with Whitney Avenue in Hamden as the "Hamden Veterans' Memorial Highway,"
5. Route 110 from Stratford to Monroe as the "Veterans Memorial Highway,"
6. Route 174 from the New Britain-Newington town line to Maple Hill Avenue in Newington as the "Officer Peter Lavery Memorial Highway,"
7. Route 618 from Route 85 east to the Colchester-Lebanon town line as the "Major Peter M. Cleary Memorial Highway,"
8. Route 5 in North Haven between Washington Avenue and State Street as the "Officer Timothy W. Laffin Memorial Highway,"
9. Route 195 in Mansfield running north to I-84 in Tolland as "UConn Husky Way,"
10. Route 78 in Stonington from Route 2 running east to the Connecticut-Rhode Island state line as "Veterans Way,"
11. Route 2A in Montville running east from I-395 to the beginning of bridge No. 3426 as the "Officer Joseph N. Sachatello III Memorial Highway,"
12. Route 287 in Wethersfield running east from the Newington-Wethersfield town line to Route 3 as the "Bohdan 'Bo' Kolinsky Memorial Highway,"
13. Route 71 in West Hartford running east from Ridgewood Road to Route 173 as the "Eric N. Jefferson Memorial Highway,"

14. State Road 529 (New Britain Avenue) in West Hartford running east from Route 173 easterly to the West Hartford-Hartford town line as the "West Hartford Memorial Highway,"
15. Route 34 in Orange running east from the junction with Route 152 east to the Orange-New Haven town line as the "Staff Sergeant Thomas E. Vitagliano Memorial Highway,"
16. Route 53 in Bethel as the "John L. Tiele Memorial Highway,"
17. the I-95 southbound bridge over the Thames River in Groton as the "U.S. Submarine Veterans World War II Memorial Bridge,"
18. Bridge No. 1491 in the Collinsville section of Canton as the "Sergeant Michael Dubiel Memorial Bridge,"
19. Bridge No. 00157 on I-95 in West Haven as the "Nacca Memorial Bridge,"
20. Bridge No. 03391 in Colchester on Route 16 over Route 2 as the "William 'Jimmy' Johnston Memorial Bridge,"
21. Bridge No. 1744 on I-84 eastbound over Berkshire Road in West Hartford as the "Lt. Colonel Charles E. Spencer Memorial Bridge,"
22. Bridge No. 1477 on Route 173 in Newington as the "Stanley Sobieski Memorial Bridge,"
23. Bridge No. 5801 on Route 9 southbound over Route 372 in Berlin as the "Steven Douglas Smart Memorial Bridge,"
24. the Route 25 bridge crossing the Still River in Brookfield as the "Nancy DuBois Hagmayer Memorial Bridge,"
25. the part of the I-91 northbound rest area in Middletown as the "Jennifer Hodges Memorial Rest Area,"
26. Bridge No. 1459 on I-91 in Wethersfield over Great Meadow

Road as the “Frank Maratta Sr. Memorial Bridge,”

27. Bridge No. 0916 on U. S. 202 in Canton over the Farmington River as the “Lieutenant David M. Whirly Memorial Bridge,”

28. Bridge No. 3582 on Route 83 in Manchester over I-384 as the “William R. Johnson Memorial Bridge,”

29. the bridge on Route 133 in Brookfield over Route 7 as the “Lance Corporal John T. Schmidt Memorial Bridge,”

The bill also changes the designation of Route 796 in Milford from the “Daniel S. Wasson Connector” to the “Officer Daniel S. Wasson, Milford Police Department, Connector.”

House “A” requires DOT to install directional signs on Route 2 in Colchester indicating the presence of wineries as part of the Connecticut Wine Trail. It also requires DOT to install signs on I-84 in Danbury for the Danbury Railway Museum and on I-84 in Waterbury and Route 8 in Thomaston for the Railway Museum of New England.

§§ 24-27 – Rotaries and Roundabouts

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Sections 24 through 27, inclusive, of the bill are not anticipated to result in any fiscal impact to the Department of Transportation. These sections adopt existing statute to practice.

OLR Analysis

The bill replaces and modernizes the current definition of a rotary traffic island with two new terms “rotary” and “roundabouts” and establishes right-of-way requirements for vehicles using them. Both are circular intersections, but roundabouts generally incorporate more safety elements such as geometry that slows entering traffic to a maximum of 30 miles per hour, denial of pedestrian access to the center island, and prohibition of parking within the traffic circle. Both types of circular intersections are currently in use in Connecticut.

Current law does not state which vehicle must yield the right of way in circular intersections. The bill gives the vehicles already traveling in the rotary or roundabout the right of way and requires vehicles entering the intersection to yield to them.

§ 28 –Criteria for Aesthetic Lighting Installations

Deleted by House “A”

§§ 29-31, 42 –Property Conveyances

Deleted by House “A”

§§ 32-35 – Utilities in State Highway Rights-of-Way

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Public Utility	GF - None	None	None

Control			
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Note: GF = General Fund

Municipal Impact: Yes, See Below.

Explanation

The Department of Public Utility Control will be able to implement the new administrative process that the bill requires within available resources. While it is uncertain the affect of implementing federally approved rates before transmission costs become eligible for recovery, this could affect the state and municipalities as ratepayers.

OLR Analysis

COSTS ASSOCIATED WITH ADJUSTMENT, RELOCATION, OR REMOVAL OF ELECTRIC TRANSMISSION FACILITIES OR TRUNKLINES FROM HIGHWAY RIGHTS-OF-WAY

Currently, when the transportation commissioner determines that a public service facility (such as power lines or pipelines) within, on, along, or under a state or other public highway right-of-way must be adjusted, relocated, or removed due to the highway construction or reconstruction, he must issue an appropriate notice to the owner of the public service facility. The state must bear an "equitable" share of the cost of adjusting, relocating, or removing the facility, including constructing a facility of equal capacity on a new location. In practice, this is frequently about 50% of the costs.

The bill exempts the state from bearing any cost for adjustment, relocation, or removal of a public service facility that is subject to the Siting Council's jurisdiction and that is used for transmitting electricity or as an electric trunkline,.

The bill requires DOT to evaluate the total costs of such a project, including its costs for construction or reconstruction and the electric

distribution company's costs for adjusting, relocating, or removing its transmission facility or trunkline, to minimize the overall costs. The electric distribution company may provide DOT with proposed alternatives to relocation, adjustment, or removal and is responsible for any increased project costs from such alternative designs. If the company and DOT cannot agree on a plan for the project, the DOT commissioner and DPUC commissioner must jointly determine the alternative for the project.

LONGITUDINAL USE OF STATE HIGHWAY RIGHTS-OF-WAY BY PUBLIC SERVICE COMPANIES

By law, the transportation commissioner may make agreements with the owners of public service facilities wanting longitudinal use of a state highway right-of-way to accommodate a trunkline or transmission facility. The agreement sets the terms, conditions, rates, and charges for use of the right-of-way. Under the bill, if a facility is owned by a state-regulated public service company and the agreement involves use of the right-of-way of a nonlimited access highway, the charges or rates set by the agreement cannot exceed DOT's actual administrative, construction, operation, and maintenance costs. DOT may estimate the rates and charges and require prepayment provided it refunds to the company any amount that exceeds the actual costs.

ELECTRIC TRANSMISSION COST RECOVERY

The bill creates a new administrative process through which the DPUC must implement federally approved rates before transmission costs become eligible for recovery by the electric distribution company through a new transmission rate adjustment clause. It requires the rate charged by an electric distribution company for transmission services to be adjusted periodically pursuant to Federal Energy Regulatory

Commission approved wholesale transmission rates, tariffs, and charges. DPUC, after notice and hearing, must design the transmission rate to provide for recovery of transmission costs prudently incurred by the electric distribution company. DPUC's review process would be conducted pursuant to the bill's provisions rather than as a comprehensive rate case. The adjustment clause must apply to all electric distribution companies similarly affected by transmission costs. The bill specifies that DPUC's authority to review the prudence of costs does not apply to any matter over which a federal agency has exclusive jurisdiction, or has exercised its authority in cases where it has concurrent jurisdiction with the state.

The bill requires the transmission rate adjustment to appear as a new line item on consumer's electric bills.

§ 36 – DOT Overwidth Vehicle Permits

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Transportation.

OLR Analysis

The bill requires the permits that DOT grants for vehicles or vehicle loads that are more than 12 feet in width but less than 13 feet six inches

in width and traveling on undivided highways to require a single escort vehicle preceding the vehicle or load. By law, any vehicle or load cannot be moved on a highway or bridge if it is more than 102 inches wide unless it has a DOT permit.

§ 37 – Immunity From Liability for Outdoor Advertising Companies Participating in Emergency Alert Programs

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Transportation. This section makes technical changes and has no fiscal impact.

OLR Analysis

The bill immunizes an outdoor advertising establishment as described in U.S. Department of Labor Standard Industrial Classification System Code 7312 from any claim for damages arising from a voluntary program in which it participates with law enforcement agencies for broadcasting or disseminating emergency alerts relating to child abductions (commonly known as “Amber Alerts”).

§ 38 – Crossing Railroad Tracks

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None
Judicial Dept.	GF - Revenue Gain	Less than \$50,000	Less than \$50,000

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

This section of the bill is not anticipated to result in any fiscal impact to the Department of Transportation.

It is anticipated that the provision of this bill would generate less than \$50,000 in state revenues annually.

OLR Analysis

The bill prohibits anyone from crossing railroad tracks at a designated grade crossing when an automatic signal, crossing gate, flagman, or law enforcement officer warns of the approach of a locomotive, train car, or train or when otherwise warned of its approach. Violations are designated as infractions.

§ 39 DOT Permits for Outdoor Advertising Structures or Displays

Deleted by House "A"

§§ 40&41 Penalties for Violating Statutory and Regulatory Requirements for Outdoor Advertising Structures or Displays

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF – Revenue Gain	Less than \$50,000	Less than \$50,000

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Any revenue gain from these provisions is anticipated to be less than \$50,000 annually.

OLR Analysis

The bill increases the penalty for violations of the statutory requirements relating to outdoor advertising structures or displays from a fine of up to \$100 to a civil penalty imposed by the commissioner of \$100 for each day the violation continues. A violation that continues for longer than 60 consecutive days must be considered grounds for revocation of the permit with which the violation is associated. The bill also applies the increased penalty and permit revocation to violations of any DOT regulation, license, permit or order adopted or issued pursuant to the law governing outdoor advertising structures. Before the commissioner may impose the civil penalty, he must send written notice of the violation by certified mail with return receipt. If the violator corrects or terminates the violation during the 15 days following receipt of the notice, the civil penalty may not be imposed.

§ 511 Connecticut-New York Passenger Rail Service Compact

OFA Fiscal Impact:

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Department of Transportation	TF - None	None	None

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

Section 511 of House “A” is technical in nature and has no fiscal impact.

OLR Analysis

The bill expands the enabling law authorizing an interstate compact between Connecticut and New York to provide passenger rail service between New Haven and New York City, as well as along the New Canaan, Danbury, and Waterbury branch lines to allow passenger service outside of the direct New Haven-New York City corridor to be included under the compact. Currently, the compact covers only service between the two cities and the three tributary branch lines. The bill would allow additional service, such as the Shoreline East service east of New Haven to be included in the agreement between Connecticut and the Metropolitan Transportation Authority on New York. The bill also changes the compact designation of the Connecticut party to the agreement from the Connecticut Public Transportation Authority (CPTA) to the DOT to reflect the fact that the CPTA no longer has the statutory responsibility to act on behalf of Connecticut in this regard.

The change in the compact enabling language becomes effective on the effective date of legislation enacted by New York having like effect.

House “A” (LCO 7071)

*House Amendment "A" (1) specifies that the provisions dealing with transmission lines are limited to those over which the Siting Council has jurisdiction; (2) allows, rather than requires electric distribution companies to submit alternative plans; (3) requires the DOT commissioner and DPUC chairperson to jointly decide on an alternative when DOT and the company disagree; and (4) makes minor related changes.

It also:

- (1) eliminates provisions of the bill (a) requiring the transportation commissioner to adopt regulations establishing design criteria to govern the aesthetic illumination of certain types of bridges and roads, (b) making conveyances of DOT property and modifying or eliminating other previously adopted conveyances, and (c) requiring an outdoor advertising structure or display permit holder to complete its construction and have it ready to display advertising no later than one year from the date the permit is issued or else face possible revocation of the permit, and
- (2) adds provisions (a) expanding the Connecticut-New York passenger rail service compact authorization, (b) giving seven additional state road and bridge commemorative names and making minor changes to two others in the bill, (c) requiring highway signs for the three tourist attractions, and (d) requiring the transportation commissioner to provide written notice and opportunity to correct cited violations of state laws, regulations, and orders concerning outdoor advertising displays and structures prior to imposing the civil penalties the bill authorizes.

BACKGROUND

Legislative History

The House referred the bill (File 280) to the Judiciary Committee on April 19, the Government Administration and Elections Committee on May 4, the Energy and Technology Committee on May 17, and the Commerce Committee on May 25. The committees reported the bill favorably making no changes on April 29, May 11, May 23, and May 26 respectively.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 29 Nay 0

Judiciary Committee

Joint Favorable Report

Yea 31 Nay 0

Government Administration and Elections Committee

Joint Favorable Report

Yea 18 Nay 0

Energy and Technology Committee

Joint Favorable Report

Yea 13 Nay 4

Commerce Committee

Joint Favorable Report

Yea 18 Nay 0

